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SOCIAL JUSTICE IN ISLAM

AHMAD HASAN

The term social justice is generally applied to economic justice or just distribution of economic duties and rewards. But in its broader sense, it denotes something more than purely economic justice. It means 'to foster and encourage, in and through partnership, the highest possible development of all human faculties in all its members; and this end is justice or 'right ordering of such a society'. It differs from legal justice which is strictly related to 'legal association or state' for doing justice to the citizens individually. The difference lies in the fact that whereas the former is applied to the justice done to the society as a whole, the latter is 'to assemble and establish the external conditions required by every citizen, for the development of his capacities'. Islam combines social and legal justice by its moral teaching and legislation. In this brief paper it is not possible to deal with this problem in great detail. For the purpose of discussion we shall touch on a few points relating to the concept of economic justice enunciated by Islam. We shall also throw light on the present-day socio-economic situation in the Muslim world in general and Pakistan in particular.

Islam emerged in Mecca, the matrix of wealth and poverty. In pre-Islamic Arabia, the commercial milieu of Mecca witnessed a rising mercantile aristocracy which tended to control all the means of production in the shape of capital and land. Reports indicate that these rich merchants possessed large tracts of land in Yathrib and al-Ṭā'if. The Meccan surahs of the Qur'ān and the *Ḥadīth* literature on this subject corroborate the proposition that the rich classes exploited the poor. The pre-Islamic institution of *ḥilf al-fuḍūl* supports our point of view. This institution was created by the tribal chiefs to redress the growing injustice done to the poor bedouins, poor businessmen and the destitute persons. The Qur'ān in the following verse bears testimony to the vast riches and concentration of wealth in Mecca: "Leave me alone with him whom I created, and gave him and yet he desires that I should give more. (74: 11-15) *Surah al-Takāthur* also indicates the Meccan's devotion to wealth and riches in the

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early days of Islam. Hence we find in the Meccan Surahs much emphasis on feeding of the indigents and maintaining social justice.

Islam, in the first place, aims at building a society based on religion, morality and social justice. It seeks to solve the economic problem on the basis of its moral teaching more than by legislation. Hence the Qur'ān's repeated emphasis on 'feeding of the poor'. The whole *surah al-Mā'ūn* in devoted to this theme. It goes on:

1. Hast thou noticed him who counts false the Religion;
2. That is the one who repulses the orphan;
3. And does not urge the feeding of the poor;
4. Woe was to those who pray,
5. Who of their prayer are careless;
6. Who make a show;
7. And withhold succour. (107: 1-7).

At another place, the Qur'ān condemns maltreatment of the poor and love of wealth: "He says my Lord hath honoured me; but when He tries him and stints for him his provision, he says: my Lord hath scorned me. Nay, but ye did not honour the orphan, nor urge to feed the destitute. Ye devour the inheritance discriminately, and ye love wealth ardently. (89: 15-21). The Qur'ān clearly prohibits hoarding of wealth and condemns those who do not spend it on the poor. The following is a formidable threat against hoarding of wealth: "O you who believe, surely many of the doctors of law and the monks eat away the property of man falsely, and hinder them from Allah's way. And those who hoard up gold and silver and spend it not in Allah's way—announce to them a painful chastisement. On the day when it will be heated in the Fire of hell, then their foreheads and their sides and their backs will be branded with it: This is what you hoarded up for yourselves, so taste what you used to hoard" (9: 34-35). Abū Dharr al-Ghifārī is reported to have disputed with Mu'āwiyah over the interpretation of this verse. Mu'āwiyah held that property belongs to God, and man is free to amass or spend the wealth after the payment of the amount of *zakāt* obligatory on him. But Abū Dharr maintained that property belongs to the Muslims, and one should not hoard surplus wealth, but spend it on the poor and the needy. Payment of the amount of *Zakāt*, according to him, was not sufficient to save one from the threat uttered by the Qur'ān in the verse cited above.

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Abū Dharr used to proclaim: "There is a constant danger from the indigents to the rich". Addressing the well-to-do he cried out: "O Community of the rich, help the poor".

In short, the Qur'ān by prohibiting usury, by introducing the institution of *zakāt*, by exhorting the rich to spend on the poor, and by condemning the hoarding of wealth seeks to eliminate exploitation and social injustice from the Muslim society. The institution of *zakāt* does not aim at building a "class of beggars and destitutes" who survive permanently to receive a handful of *zakāt* from the rich. The Qur'ān asks the Muslims to give share in the wealth of the country proportionately to everyone in accordance with his capacity and work, and particularly according to his needs. It says: "And there is no animal on the earth but on Allah is the sustenance of it". (11: 6). It means by implication that Muslims should build such a model society as guarantees the happiness and prosperity of its members. Accumulation of wealth in a few hands is against the teachings of the Qur'ān. Complete equality in the distribution of wealth is practically impossible, nor does Islam aim at the establishment of such a society. Nevertheless, equitable distribution of wealth is one of the fundamental socio-economic values of Islam which is, in fact, the Islamic egalitarianism, the foundation stone of Islamic society. We find this principle more pronounced in the following verse of the Qur'ān: "What Allah hath allotted to His messenger and the kinsmen, the orphans, the indigent, and the follower of the way, in order that it may *not be passed from hand to hand among those of you who are rich.* (59:7).

The Qur'ān attributes the distribution of wealth, poverty and richness, to God. We cite a few verses from the Qur'ān which indicate that sustenance lies in the hands of God:

1. "Say: verily may Lord enlarges and restricts the provision, to whom He pleases, but most men understand not". (43:36).
2. "Say: verily my Lord enlarges and restricts the sustenance to such of His servants as He pleases". (34:39).
3. "If God were to enlarge the provision for His servants, they would indeed transgress beyond all bounds through the earth; but He sends it down in due measure as He pleases". (42:27).
4. "Is it they who portion out the mercy of the Lord? Is it we who portion out between them their livelihood in the life

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> of this world. And we raise some of them above others in ranks, so that some may command work from others. But the mercy of thy Lord is better than the (wealth) which they amass". (43:32).

These verses prima facie justify the belief that the extremes of poverty and wealth in a society are created by God. But this is a fallacy. The Qur'ān does not really mean this. These verses signify the difference in the degree of rank and proportion of sustenance in accordance with one's capacity and labour. But the Qur'ān does not deny the fundamental right of every human being for the satisfaction of his primary needs. There may be difference in the rank and luxuries, but not in the fulfilment of the necessities of life. Al-Ghazālī observes that the Sharī'ah provides five fundamental rights to everyone in the society, namely protection of his religion, of his life, of his reason, of his posterity and of his property.[4] Broadly speaking, the Qur'ān insists on providing the basic necessities of life to all the members of the Muslim society.

We may now analyse the teachings of the Prophet and the practice of his Companions. The Prophet solved the economic problems of the nascent Muslim society by introducing the institution of brotherhood: (*mu'ākhāt*). He practised this institution twice in his lifetime earlier in Mecca and then immediately after his migration to Medina.[5] The Prophet by doing so implemented the injunction of the Qur'ān which describes Muslims as brothers and urges them to cooperate with each other. Besides, he was aware of the grave consequences of concentration of wealth and extreme poverty in a society. He therefore never neglected the economic problem. He is reported to have said: "Poverty may bring a man to the verge of unbelief".[6] In a number of traditions he reportedly sought refuge with God from poverty and misery. All such traditions indicate the importance of the economic problem in the eyes of the Prophet.

The Prophet in fact designed to bring about social justice by his moral teachings. Hence we do not find much emphasis in his teachings on the state and legislation and coercive force but on individual, society and morality. With the moral degeneration of the Muslim society the socio-economic problem became more grave, as moral laws have no sanction beyond appealing to conscience. We find a large number of traditions in which the Prophet is reported to have urged the Muslims to help neighbours, near relatives, wayfarers and destitutes. For instance,

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a tradition goes: "One who has surplus ride should give it to his brother who has no ride, and one who has surplus property should apportion it among those who are propertyless. The Prophet recounted so many kinds of commodities by which his Companions presumed that man has no right in his surplus wealth". This single *ḥadīth* of the Prophet is sufficent to solve the problem of the class-struggle in a society. The Prophet also closed all the avenues of exploitation, monopoly, hoarding of wealth and deprivation by his moral teachings. The society founded by the Prophet was characterized by the principles of liberty, equality and fraternity discovered by the West after the French Revolution of 1789. Islam laid the foundation of its society on these principles from the very first day. The followers of the Prophet in the first generation strictly adhered to his teachings and set an example of a model society. The Qur'ān admires them by saying: "And for those who occupied the dwelling and the faith Before them, loving so might emigrate to them, not cherishing in their breasts any (feeling of) need of what is given to them, *but preferring them over themselves even though there was want among them.* (59:9). One may imagine the lofty moral character of the Companions of whom the Qur'ān speaks in high terms: "Muhammad is the messenger of Allah, and those with him are firm of heart against the disbelievers, compassionate among themselves. Thou seest them going down, prostrating themselves, seeking Allah's grace and pleasure". (48:29)

Islam allows public ownership of the means of production where exploitation is apprehended. Although we find emphasis on individualism which resulted from the legal validity of private property in Islam, it does not mean that individualism and private property are the bases of the faith. Individualism and free enterprise were allowed in the beginning when Muslims had only a disorganised economy. Further, there was. no fear of exploitation, because the society was founded on moral footing. But in case these doctrines become the source of exploitation, and are dissociated from their moral context, there seems no justification for laying stress on them, especially in a society where poverty, ignorance, exploitation, monopoly and deprivation have free play. This proposition is corroborated by numerous instances from the life of the Prophet and his Companions. The Prophet is reported to have said: "People have three things in common: water, grass and fire and salt, (according to a different version)[8]. The Prophet allowed public ownership in these three commodities because they were of common use in the seventh century Arabia. The principle contained in this *ḥadīth* can be extended and applied

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to other means of production in accordance with changing conditions. Furthermore, in pre-Islamic Arabia some Arab chiefs had protected grass lands (*ḥimā*) in their possession; they reserved them for their own horses and cattle. But when Islam came the Prophet denounced monopolizing these grass—lands. He held a grass-land known as Naqi'. He opened this grass-land for the horses and cattle of all the Muslims without any reservation.[9] 'Umar ,too, is said to have confiscated such a pasture and took it under the state control for public benefit. To all the protests of their owners 'Umar replied: "The property belongs to God, and the people are God's servants. By God if I had not needed rides (horses) for *Jihād,* I would not have reserved even a span of grass-land".[10] Above all, after the conquest of Syria and Iraq he did not distribute the agricultural lands among the army, but held them as a state-property despite grim opposition on the part of the majority of the Companions.[11]

Seeing the prevailing poverty among the emigrants (*muhajirūn*) he is reported to have remarked: "Had I known before what I came to know later, I would have taken away surplus wealth from the rich, and distributed it among the poor emigrants"[12]

Similar is the case with landed property. Islam does not allow to hold agricultural lands and keep them uncultivated, while a large number of people are starving. To give the agricultural lands on lease is disputed among the jurists. Some validate it, while others consider it unlawful. Abū Ḥanīfah was opposed to leasing the agricultural lands for fear of exploitation. According to a well-known *ḥadīṯ* of the Prophet, one who cultivates a barren land is the owner of the land.[13] Further, we are told that the Prophet after his migration to Medina asked the Muslims to distribute their lands among their needy brethren. In short, there is no justification for landlordlism and keeping large land holdings in Islam.

Muṣṭafā al-Sibā'ī calls the socio-economic system enunciated by Islam "Islamic socialism." Its main features and characteristics as propounded by him, are summarized below:

It represents a human tendency which finds clear expression in the teaching of the prophets and in the work of reformers from earliest times. The people of today and especially the underdevoloped nations, are trying to achieve it in order to rid themselves of social injustice and atrocious class inequality which is derogatory to human dignity. The essence of socialism is not nationalization or progressive taxation. All

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these things are but means, and are seen by its advocates as the right way of reaching the goal.

What socialism really aims at, in all its various ideologies, is to put a stop to the individual who would exploit capital to become rich at the expense of the misery and wretchedness of the masses; to provide state supervision over the individual economic potential and to bring about social equality among all citizens so as to eliminate all manifestations of poverty and deprivation as well as the disproportionate divergence in which people have hunger, poverty, sickness and degradation on the one hand, and luxury, and moral disintegration on the other.

Proverty does not mean want of property and wealth. Broadly speaking, it is deprivation of fundamental rights, that, is, right to live, of freedom, of education, of dignity, of owning property. By eliminating poverty socialism means to give all such fundamental rights to each and every citizen of a country.

1. It is a cultural, positive and constructive type of socialism, which is meant to bring into being a perfect society.

2. It recognizes the five natural rights-the right to life, freedom, knowledge, dignity and property: it establishes social equality by legislation and combats poverty, sickness,ignorance, fear and degradation.

3. It takes in all citizens of the state, Muslims and non-Muslims alike, because its doctrines do not exclude anyone.

4. It gives people share in the Government's security scheme, by asking the Muslims to look after their relatives according to their means. This has the advantage of relieving the state's budget, and keeping intact charity, friendship and family ties.

5. Its principles are flexible and applicable in every age in accordance with the evolution of society and the progress of civilisation.

6. It combats luxury and extravagance in war and peace, and is thus unlike other ideologies and modern states which forbid luxuries and profligate amusements only in war time.

7. It keeps the ruler and the ruled dependent on the will of the people, unlike Communist socialism where people depend on the will of a small group of rulers.

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8. Social security (*ul-takāful al-Ijtimā'ī*) in this system is much broader than in other social systems.

9. It is not a mere theory, as was the case in the old religions, nor is it a case of getting the rich to pity the poor, as in European Renaissance socialist systems before Marx. It is rather factual and is founded on legislation which applies to all the people as do the rest of the laws.

10. There is no comparison between Islamic socialism and capitalism because they have nothing in common, except in giving the individual the right of ownership and providing the opportunity for competition in the field of production. It cannot be compared to communism because it is based on religion and morality while communism is purely scientific socialism denying religion and morality both at its root.[14]

The Muslim countries, like Egypt, Syria, Iraq, Algeria and the Yeman, have reconstructed their socio-economic system in their countries. Although they call themselves socialist countries,their socialism is patterned mostly on the teachings of Islam. The following quotation throws light on the reasons of adopting socialism by the Arab countries in the Middle East: "The conditions of the Arab Middle East have constantly invited not only the cries of social and religious reforms, but also a variety of solutions. In modern times some have been and are advocating a quick and effective social reform. Others — not all of them secular voices—are pleading for socialism as a solution. Jamāl al-Dīn al-Afghānī, the Muslim theologian, philosopher and political leader, has characterised Western socialism (*ishtrākiyyah*) as far better. Khālid Muḥammad Khālid in his book '*From Here We Start*' — written two years before July, 1952 revolution in Egypt — perceived the road of socialism as the most likely to lead to a social system which would concentrate on lifting the Egyptian masses out of the morass of poverty, ignorance, disease and dependence.

The problem has been to find ways to interpret the new ideology to the Muslims not only of Egypt but of the entire Arab world. It seems to have been decided that by no other way can socialism be understood and accepted by the Muslim masses but through Islam itself and Islamic teaching by authoritative Muslim theologians. This firm conviction has released an astonishing creative output not only from laymen, but more impressibly from the '*Ulamā'* of al-Azhar university, the great

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bastion of Islam and Islamic teaching"[15]. In this brief paper it is not possible to spell out the socio-economic conditions and circumstances in which socialism was brought about in the Arab Middle Eastern countries. Every country had its own problems and particular circumstances. But they all felt the need of social reform. They had the common economic evils, namely poverty, exploitation, ignorance, disease and deprivation and the like. Socialism was adopted by them as a cure for all such social malaise. The socio-economic conditions in the Arab socialist countries ameliorated, and improved by degrees. Every new system has, however, its repercussions, and the same happened by introducing socialism in these countries. It is a mistake to think that socialism means complete secularism. We have earlier on pointed out that socialism in these countries was introduced in the light of the Islamic teachings. The Middle Eastern countries have carried out, alongside of the economic reforms, legal reforms, too, departing in most cases from the traditional law. The social reforms have been effected in accordance with the social conditions of each country.

Pakistan nowadays is facing the same socio-sconomic problem faced by the Arab Muslim countries in recent years; they have taken a concrete step towards its solution by introducing socialism in their countries. With the emergence of this novel concept in the Islamic thought there is an acute tension among the people of Pakistan with regard to its lawfulness — a synthesis of two antinomies, Islam and Socialism. The literature appearing on the subject presents much quarrel over the nomenclature, or exteme standpoints. The *fatwa* recently issued by the 'Ulemā' clearly declares it unlawful. It is important to note that the mixed economy already exists in Pakistan. We have partial nationalization in the country. Railway, post offices, telegraphs and telephones and similar other organizations are owned by the Government. But there is no objection from the '*Ulamā*' to the public ownership of these units. The same principle can be applied to other means of production.

The juristic casuistry and rigid approach to the problem has rather confused the main issue. The crux of the problem is: How should Pakistan plan her economy so as to remove the economic evils from the society, and ensure social justice? The answer is very easy: Pakistan being an ideological state, should plan her economy on the lines, standards, and values enunciated by Islam. In the previous pragraphs we have briefly outlined the socio-economic values, and they can be elaborated and dis-

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cussed in minute detail. It is worthy of note that we cannot adopt the socio-economic system which prevailed in the Middle ages of Islamic era *in toto* because the conditions have now absolutely changed. The whole socio-economic system will have to be reconstituted on modern lines according to the needs of the country in the light of the teachings of Islam. Nationalization is not a component part of social reforms. We can adopt this measure as a last resort in the interests of the country. We can eliminate the land holdings by distributing the lands proportionately among the peasants; we can nationalize the means of production to ensure a fair distribution of wealth and equal opportunities to all the members of the Muslim *millah*; we can reorganize the institution of *Zakāt* keeping in view its original intention; and finally we can spread education among the people by making it free and social; for all such measures we may have justification from the Qur'ān, Sunnah of the Prophet and Islamic history. It should, however, be borne in mind that Islam believes in principle in private ownership and free economic enterprise to a limited extent. Under certain given conditions, drastic measures, like public ownership and state control over all means of production are to be taken as a panacea for economic evils. The mere slogan, Islam is a complete way of life, is not the solution of the problem, unless the teachings of Islam are implemented in their entirety. The question whether the socio-economic system introduced in Pakistan should be called 'Islamic socialism' or 'Islamic economic system' matters little. The term 'Socialism', should not be used to terrorize the people. Rather the principles of Islamic polity should be more analytically and rationally judged. If need be, some other term which represents the Islamic social justice may be devised in its place. Alongside of the economic reform in the country, the moral character of the society should be uplifted because Islam lays great stress on morality. The socio-economic grievances generally grow out of the decadence of the moral character of a society. Until the standard of morality is raised to the required level, we may implement these reforms by legislation. "O you who believe! Enter into Islam whole-heartedly; and follow not the footsteps of the devil. He is an open enemy for you." (2:108)

Notes:

1. Ernest Barker, *Principles of Social and Political Theory*, London, 1962, p. 123.
2. Al-Ṭabarī, *Tā'rīkh al-Rusul Wa'l-Mulūk* Leiden, n.d. Vol. V, pp. 2858-61, *idem Jami'al-Beyan 'an Tā'wīl Ay al-Qur'ān* (ed. Shakir) Cairo, n.d. Vol. XIV, pp. 217-23.
3. *ibid.*

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4. Al-Ghazālī, *al-Mustaṣfā'*, Cairo, 1937, Vol. 1, p. 140. al-Shāṭibī, *al-Muwafaqāt*, Tunis, 1302 A.H. Vol. II, pp. 3-4.
5. Ibn Sayyid al-Nās, *'uyūn al-Athar*, Cairo, 1356 A.H. Vol. I. pp. 199-200.
6. Abū Nu'aym, *Ḥilyat al-Awliya*, quoted in al-Sibā'ī, *Ishtirākiyat al-Islam*, Cairo, 1960, 82.
7. Aḥmad b. Ḥanbal, *Musnad*, Cairo, n.d. Vol. III, P. 34,. Abū Dā'ud, *Sunan*, Kanpur n.d. Vol. I, p. 234.
8. Aḥmad b. Ḥanbal, c. cit. Vol. V, P. 364; Abū Dā'ūd, *op. cit.* (*Kitāb al-Buyū'*)
9. Abū'Ubayd, *Kitāb al-Amwāl*. Cairo, 1353 A.H. p. 298.
10. *Ibid.* p. 299.
11. Abū Yūsuf, *Kitāb al-Kharāj*, Cairo, 1302 A.H. pp. 13-15.
12. Al-Ṭabarī, Tā'rīkh, ed. *cit* .Vol. V, P. 2774.
13. Al-Bukhārī, *al-Jāmi' al-Ṣaḥiḥ* (Bab al-Ḥarth-15)., Aḥmad b. Ḥanbal, *op. cit.* Vol. III, pp. 303, 304.
14. Muṣṭafā al-Sibā'ī, *Ishtirākiyat al-Islam*. Eng. tr. Sami A. Hanna, Islamic Socialism, *The Muslim World*, Vol. LVI (1966), pp. 75-79.
15. Semi A. Hanna, al-Takāful al-Ijtimā'ī and Islamic Socialism, *The Muslim world*, (1969), Vol. LIX, p. 275.

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